S.B. Civil Misc. Appeal No.2367/06

RSRTC

Vs.

Smt. Kamla Yadav & Ors.

Date of Judgment : 11/08/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. V.S. Yadav, for appellant

Instant appeal has been filed by the Corporation against the impugned award dated 25th March, 2006 whereby the claimants of deceased Kamal Singh, who was working as ACTO in the Government, was compensated to the tune of Rs.12,72,156/-, under the pecuniary and non-pecuniary heads.

The respondent-claimants are wife and children of deceased Kamal Singh who was substantively holding the post of ACTO in the Government and died in an accident on 10th December, 2002.

Learned Tribunal after taking into consideration the material on record and so also salary-sheets furnished by the claimants, awarded total compensation of Rs.12,72,156/-.

Counsel for appellant submits that there is delay of more than 24 hours in lodging FIR of the present accident which occurred at 9.10 AM on 10th December, 2002 and FIR was lodged at 9.40 AM on 11th December, 2002. This according to him creates doubts with regard to manipulation which has taken place by the Agency involved in the matter. Counsel further submits that Ranvir Singh, Driver of the offending

vehicle has categorically deposed that there was no negligence on his part and the deceased himself was negligent which cannot hold the Corporation liable for its negligence and such finding recorded by the Tribunal is not supported by the material on record and deserves to be set aside.

I have considered the submission made by the counsel and also perused the impugned award.

Learned Tribunal so far as death of the deceased which has taken place in the accident on 10th December, 2002 is concerned, framed issue no.1 and after taking into consideration the material recorded a finding holding that the accident took place with the offending vehicle of the Corporation on account of which Kamal Singh died and the Corporation failed to produce any evidence in support of their case. Accordingly, the same was decided against them. No material has otherwise been placed even for perusal of this court.

I find that the findings, which have been recorded by the Tribunal in regard to issue no.1 and so also issue no.3 which have been pressed by the appellant, are duly supported by material on record and do not require interference by this court.

Consequently, the appeal fails and is hereby dismissed.

[Ajay Rastogi],J.

FRB